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# SELLING ARMS TO THE ALLIES

BY HORACE WHITE

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THE sale of arms and munitions to belligerents in the present war and the questions of law relating thereto have drawn attention to the French Arms debate in the Senate of the United States in 1872. It has been assumed in some quarters that the matter in controversy then was the same as at present: that we were guilty of an infraction of our duties as a neutral; that we were helping the French with arms and ammunition to the detriment and disadvantage of Germany; and that the notable speech of Carl Schurz on that occasion was a protest against such infraction.

A reference to dates will show that this is a misconception. The Franco-German war had been fought and ended more than a year before the French Arms question came up as a matter of controversy among us. King William was crowned as German Emperor in the palace at Versailles on the 18th of January, 1871. Carl Schurz's speech was made in the United States Senate on the 20th of February, 1872. The debate and investigation arose upon a question whether a ring of our Government officials and a few private speculators had defrauded the United States and violated our laws by sales of Government arms in order to put money in their own pockets. The question whether there had been a breach of neutrality was only incidental. The manufacture and sale of arms by private individuals or corporations to belligerents was never called in question in the debate. The arms sold during the Franco-Prussian war were the property of our Government, and the breach of neutrality, if any, was due to that fact.

The year 1872 was that in which the Liberal Republican revolt took place against public scandals which were then epidemic. It was a time when much corruption was uncovered and when any suspicious circumstances were likely to attract considerable attention. There had been large sales of arms

from the public arsenals following our Civil War and the disbandment of our armies,—sales both to belligerents and non-belligerents. Some suspicious circumstances were discovered. One was that the law governing such sales required that the offerings of arms should be in pursuance of previous public advertisement, whereas there had been no advertising except in a single instance. Another was that when breech-loading rifles were sold the Government made and sold cartridges to fit them; that the law prohibited the selling of Government arms to any friendly Power which was at war with another friendly Power; that the arms sold were not obsolete but serviceable, and actually better than the arms then in the hands of the Militia of the several States. In fact there were good grounds for an inquiry into the matter, but not for a condemnation of anybody offhand.

There were answers to all of these charges, which if not wholly satisfactory, took the sting out of them, so that the French Arms sale was not heard of in the subsequent political campaign. As to the failure to advertise, it was shown that Gen. Schofield, when Secretary of War, had ruled orally that when there had been one advertisement for thirty days of a particular kind of property for sale by the Department, it was not necessary to advertise separately each subsequent sale of the same kind of property. As to the manufacture of cartridges for the rifles it was contended that it was the custom of the trade when dealing in breech loaders for the seller to furnish cartridges to the buyer, without which the arms would be useless.

It was proved that when the first sales were made to the Remington Company, Gen. Dyer, the Chief of Ordnance, did not know and had no reason to suppose that they were agents of the French Government; that when that fact became known the Secretary of War prohibited further sales to them but did allow their representative to take one lot which had been sold but not delivered before their destination became known. Other parties then came in as buyers who sold to still other parties, who in turn sold to the French. The *Nation* of April 4, 1872, discussing this point said:

The other law that the Government is accused of disregarding is that directing that no arms, the property of the United States, shall be sold to the agent of any friendly Power when at war with another friendly Power. It is charged that the officers of the War Department disposed of old arms to persons whom they knew to be French agents.

In the main it seems to us that this charge has not been made good. Certainly up to the 13th of October, 1870, no arms were sold to any person known to the Department to be the authorized agent of either belligerent. On that day Secretary Belknap and General Dyer discovered that Mr. Squire, to whom they had just made a large sale, was an agent of the French Government. Secretary Belknap at once ordered that no more arms be sold to him but he delivered what had been sold and for this he is censured by some. Perhaps it would have been better if he had not done so; he had not yet received from Mr. Squire the margin commonly exacted from purchasers, and could have renounced the bargain with propriety had he chosen to do so; still there was nothing in this action deserving of severe censure. . . . In a word we think the War Department has been perhaps a little careless while we acquit it at this point of any violation of United States law.

The fact came out in the investigation that when the Secretary of War learned that some of these arms went to the French Government he caused an offer to be made to sell the same number and kind of arms to the Prussian Government, but the offer was declined and the answer was returned that the Prussian Government had no objection to our selling to the French. Bismarck added that he could get the arms cheaper on the banks of the Loire.

As to the expediency of selling at all, it was in the discretion of the War Department to sell arms not actually in use. The Secretary could decide for himself when a particular pattern had been, or was likely to be, superseded by a better one. Such decisions, however, were made only with the approval of the Ordnance Department.

In short, it turned out that there was nothing reprehensible in the sales *per se*, though probably some persons on this side of the water and some on the other side made more money out of them than a fair commission. No question relating to the manufacture and sales of arms and munitions by private persons to foreigners or to foreign Governments, whether belligerent or non-belligerent, entered into the discussion. That question has been raised now because the sea power of the Allies enables them to carry away the things which they buy in our markets.

Words count for something here. We are accused of exporting arms and ammunition to the enemies of Germany. That would not be a breach of neutrality even if we did the exporting ourselves. But in fact the buyers do their own exporting. They pay the freight. They assume all the risks of conveyance. If our offence were phrased correctly it would

be in words like these: "You commit a breach of neutrality by allowing American citizens to sell arms to English and French buyers." President Wilson replies: "American citizens have always had that right and they cannot be deprived of it. They will sell to you on the same terms." Germany replies: "We do not want your arms and ammunition. We have plenty of our own. We only want your wheat and cotton. Great Britain puts a barrier in the way of our obtaining these things. We ask you to remove that barrier for us."

It should be observed here that no official protest has been made by Germany against sales of arms and ammunition by our citizens to French, English or Russian buyers. The only objections to such traffic have come from newspapers and irresponsible persons in Germany and in our own country. The inference to be drawn from this is that the officials of Germany know that in the eye of international law there is no valid ground of objection to the selling of arms and ammunition to belligerents. They have also been informed by us that no power exists by which our executive could put a stop to such traffic.

We are told that we might restore peace to Europe at once by stopping the sale of arms and ammunition—by giving victory to Germany. This means that we could thus consign France and her Continental Allies to the mastery and savagery under which Belgium has been writhing during the last eleven months. We are asked to do this in the name of neutrality!

Where is the line to be drawn, in the forum of conscience, between the different kinds of war tools? What things are to be included in the phrase "arms and ammunition" and what excluded? Nitre is one of the raw materials of gunpowder, cotton is one of the raw materials of torpedoes. Petroleum is one of the necessities of submarines, of aeroplanes and of motor cars. Horses are indispensable for cavalry. Motor cars are required for land transport of all kinds. Coal is a necessity for every movement of troops and warships and for baking bread for the soldiers. Shall we desist in selling horses and motor cars to English, French and Canadian buyers because they may use some of them to expel the German invaders of Belgium?

Money is perhaps the chief desideratum of nations in war time, since it is immediately convertible into weapons and materials of war. American newspapers were recently graced with advertisements of a German Treasury loan at 5 per cent interest, the proceeds to be expended solely in our markets. It

is needless to inquire too closely what kind of goods it was expended for.

It is said that when we were at war with Spain, Germany, at the request of our Ambassador at Berlin, prohibited the exportation of arms to Spain. The official record in this case, if there be any, has not been made public. It remains to be seen whether our Ambassador at Berlin was instructed by his own Government to make such request; also whether Spain tried to buy arms in Germany; also whether Germany did or did not sell them, and if she did not, whether she was justified in refusing.

When neutrality is put upon a higher plane than the settled law and practice of nations we are bound to inquire on which side the preponderance of moral principles is to be found. Which of the contending parties began the war and made itself responsible for the awful human misery that has flowed from it? The reasons why Germany declared war may be briefly summarized thus: (1) the necessity of giving "a free hand to Austria in dealing with Servia"; (2) the mobilization of Russia; (3) the secret, hostile intentions of France; (4) the commercial jealousy of England; (5) Germany's need of a place in the sun; (6) her need of a place on the sea.

These causes for beginning a world war are sufficiently variegated. All of them may be dismissed except the first. Everybody knows now that if the first had not existed none of the others would have been heard of. After giving Austria her head in a world war Germany exclaimed that she was defending herself and fighting for existence! She then carried fire and sword into Belgium.

The belief of the great majority of people of the United States is that Germany began the war without sufficient cause, and that when she invaded Belgium she made herself the outlaw of the nations—a country whom no agreements can bind.

Closely connected with this thought is the conviction that no limit can ever be put to the world's expenditure for armaments while one incorrigible outlaw is at large. Even in time of peace the cost of armies and navies goes on increasing, and this is logical. If every nation may declare war at its own whim it may reasonably estimate beforehand the cost of it and provide for it accordingly. There is no reason why it should pause short of the last dollar in its treasury, and the last male inhabitant capable of carrying a gun. The costs of armaments will go on increasing until the entire net earnings of the human

race are absorbed in death dealing instruments or until a supreme tribunal shall be established to decide international disputes and to enforce its decisions. It is the opinion of most Americans that the most incorrigible and dangerous outlaw and armed maniac now existing is Germany, and that the first and indispensable step toward a restriction of armaments and a quiet world is to throttle and disarm her, and that no price is too great to pay for such a consummation. Any result of the present war which falls short of this will be the preliminary to a new armament and another war on a wider scale than the present one, since the United States will make preparations for the next one and most probably take part in it.

Germany, by bursting her way through Belgium, was enabled to seize 80 to 90 per cent of the coal and iron resources of France and the greater part of her apparatus for the production of arms. She holds also the entire resources of Belgium, both of raw material and finished product. The foul blow by which she possessed herself of these indispensable treasures had two consequences which she did not look for—the active hostility of England and the moral indignation of all other nations. In helping France to make good the loss which she sustained through such perfidy the American people think that they are doing God's service, and their only regret is that they cannot do more of it. If they had foreseen the present conditions they would have enlarged their gun factories and powder mills to meet the emergency more promptly.

A German writer in the *New York Times* of May 30, Mr. Vom Bruck, says: "If the German nation is wiped out with the help of American arms and ammunition no man of the white race in the United States would be able to think of such a catastrophe without horror and remorse." All of the contending nations say that they are fighting for existence, which means that if they do not win in the end they will be wiped out. With such an alternative staring us in the face very few tears would be shed by Americans, of any color, if both the Hohenzollerns and the Hapsburgs, with all their belongings, should be wiped off the face of the earth.

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